

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of HAROLD E. THOMAS and U.S. POSTAL SERVICE,
MAIN POST OFFICE, St. Louis, MO

*Docket No. 98-2459; Submitted on the Record;
Issued March 3, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof to establish that his left shoulder condition was caused by factors of his federal employment.

The Board has duly reviewed the case record in this appeal and finds that appellant has failed to meet his burden of proof to establish that his left shoulder condition was caused by factors of his federal employment.

The Board hereby adopts the facts as accurately set forth in the Office of Workers' Compensation Programs' hearing representative's decision dated July 16, 1998.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim, including the fact that the individual is an "employee of the United States" within the meaning of the Act, and that the claim was filed within the applicable time limitation of the Act.² The claimant also has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition for which compensation is sought is causally related to a specific employment incident or to specific conditions of the employment. As part of this burden, the claimant must present rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, establishing causal relationship.³

In this case, appellant has failed to submit rationalized medical evidence establishing that his left shoulder condition was caused by factors of his federal employment. In support of his claim, appellant submitted a May 14, 1996 sonogram report of the shoulders indicating that he

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

had bilateral rotator cuff tears larger on the right side than on the left side. The report also indicated associated inflammatory changes of the right biceps tendon. In further support of his claim, appellant submitted a February 10, 1997 medical report of Dr. Richard E. Hulsey, a Board-certified orthopedic surgeon, revealing a diagnosis of rotator cuff tear of the left shoulder. The sonogram report, as well as, Dr. Hulsey's medical report are insufficient to establish appellant's burden because they failed to address whether appellant's left shoulder condition was caused by factors of his federal employment.

Additionally, appellant submitted a June 20, 1996 medical report from Dr. Stanley G. Vriezelaar, a Board-certified internist and appellant's treating physician. Dr. Vriezelaar noted a history of his treatment of appellant's right shoulder beginning on February 2, 1995. He stated that his diagnosis was impingement syndrome which was unresponsive to nonsteroidal anti-inflammatory drugs and shoulder injection. Dr. Vriezelaar opined that certainly any repetitive motion of the shoulder could have lead to problems with appellant's impingement syndrome. His medical report fails to establish appellant's burden inasmuch as it only addressed appellant's right shoulder condition and it failed to provide any medical rationale to support his opinion.

Because appellant has failed to submit rationalized medical evidence establishing that his left shoulder condition was caused by factors of his federal employment, he has failed to meet his burden of proof.

The July 16, 1998 decision of the Office of Workers' Compensation Programs and the Office's August 8, 1997 decision are hereby affirmed.

Dated, Washington, D.C.
March 3, 2000

Michael J. Walsh
Chairman

George E. Rivers
Member

Bradley T. Knott
Alternate Member